IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8840 OF 2004

Bhartiya Suraksha Rakshak & General Kamgar Union ..Petitioners

Versus

The Security Guards Board & Ors. ..Respondents

Ms.Shradha Mohite for the petitioners.

Ms.Lata Desai for Respondent No.1.

Mr.P.S.Dani for Respondent No.2.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 7.4.2005.

PC

. Heard the learned Counsel for the petitioners, the learned Counsel for Respondent No.1 and the learned Counsel for Respondent No.2.

2. It is not in dispute that the Maharashtra Private Security Guards (Regulation of Employment and Welfare Act) 1981 (For short ‘Act of 1981’) has been made applicable to Pune district vide Notification dated 5.12.2002. It is also not in dispute that the scheme entitled the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002 (For short ‘Scheme of 2002’) has been extended to Pune district vide

Notification dated 6.2.2003. In the light of the aforesaid admitted position, the learned Counsel for Respondent No.1-Board made 2 statements before us (one) that if an appropriate application is made by the concerned security guards for the registration, the respondent no.1-board shall consider such application expeditiously, (two) that an appropriate action shall be taken against the respondent no.2 being the principal employer for having not registered under Section 13 of the Act of 1981.

3. The learned Counsel for respondent no.2, however, disputed the liability of respondent no.2 for getting itself registered under Section 13 of the Act of 1981 on the ground that it is not covered by the Act 1981.

4. The learned Counsel for the petitioner submitted that the concerned security guards shall apply for the registration with the board within 3 weeks from today.

5. In view of the aforesaid submissions of the learned Counsel for the parties, we are satisfied that diverse aspects raised in the Writ petition need not be examined by us on merits and interest of justice shall be sub-served by the following order

O R D E R

1. The concerned security guards represented by the petitioner are permitted to make the appropriate application for their registration within 3 weeks from today.

2. The respondent no.1-board is directed to deal with such application expeditiously and take action there-on as early as possible but in no case later than six weeks from the date of receipt of such application.

3. In the event of respondent no.1-board taking action against the respondent no.2 for want of its registration under Section 13 of the Act of 1981, the respondent no.1 shall be at liberty to raise the plea that it is not covered by the Act of 1981 and upon such dispute being raised, the same shall be decided in accordance with the procedure prescribed in Section 5 of the Act of 1981.

4. No costs.

(R.M.LODHA,J)

(R.S.MOHITE,J)